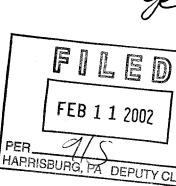
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IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

PENNSYLVANIA PROTECTION AND

ADVOCACY, INC.

Plaintiff

v.

: No. 1:00-CV-01582

1100 1100

DEPARTMENT OF PUBLIC WELFARE, et al.: (Judge Caldwell)

Defendants:

MOTION FOR SUMMARY JUDGMENT

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, defendants move the Court to enter summary judgment in their favor. There is no dispute of material fact in this case and defendants are entitled to judgment as a matter of law.

WHEREFORE, the motion for summary judgment should be granted.

Respectfully submitted,

D. MICHAEL FISHER Attorney General

RV.

MICHAEL L. HARVEY

Senior Deputy Attorney General

SUSAN J. FORNEY

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DATE: February 11, 2002

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IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

PENNSYLVANIA PROTECTION AND

ADVOCACY, INC.

Plaintiff

: No. 1:00-CV-01582

DEPARTMENT OF PUBLIC WELFARE, et al.: (Judge Caldwell)

Defendants

v.

CERTIFICATE OF NONCONCURRENCE

I, Michael L. Harvey, Senior Deputy Attorney General, hereby certify that I sought concurrence in the foregoing motion from plaintiff's counsel and counsel did not concur.

MICHAEL L. HARVEY

Senior Deputy Attorney General

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IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

PENNSYLVANIA PROTECTION AND ADVOCACY, INC.

Plaintiff

v. : No. 1:00-CV-01582

:

DEPARTMENT OF PUBLIC WELFARE, et al.: (Judge Caldwell) Defendants:

CERTIFICATE OF SERVICE

AND NOW, this 11th day of February, 2002 I, MICHAEL L. HARVEY, Senior Deputy Attorney General, counsel for defendants in the above-captioned action, hereby certify that I this day served the foregoing Motion for Summary Judgment by causing a copy of the same to be deposited in the United States mail, postage prepaid, at Harrisburg, Pennsylvania, addressed to the following:

Robert W. Meek Disabilities Law Project 1315 Walnut Street, Suite 400 Philadelphia, PA 19107-4798

Mark J. Murphy Disabilities Law Project 1901 Law and Finance Building 429 Fourth Avenue Pittsburgh, PA 15219-1505

MICHAEL L. HARVEY

Senior Deputy Attorney General